



NATIONAL LAW ENFORCEMENT COORDINATING COMMITTEE

National Headquarters, Philippine National Police
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RESOLUTION NR. 05-2010

“DECLARATION OF SUPPORT FOR THE CRIMINALIZATION OF THE FINANCING OF TERRORISM AS A STAND-ALONE OFFENSE”

WHEREAS, the National Law Enforcement Coordinating Committee (NALECC) was created by virtue of Executive Order Nr. 829 as amended by Executive Orders Nr. 41 and 41-A;

WHEREAS, under the above Executive Order Nr. 829, closer cooperation and coordination must at all times be observed by all law enforcement agencies of the government involved in the enforcement of general and special laws to insure unified direction and integration of effort throughout the country in the suppression of criminal activities on the day to day basis, particularly at the operating level;

WHEREAS, on November 16, 2001, the Philippines signed the 1999 United Nations (UN) Convention for the Suppression of the Financing of Terrorism which requires all States to Criminalize the Financing of Terrorism as a Stand-Alone Offense. On October 14, 2003, the Philippine Senate ratified said United Nations Convention;

WHEREAS, on October 1, 2001, the Financial Action Task Force (FATF) adopted eight (8) Special Recommendations (SR) on terrorist financing. The said recommendations set out the basic framework to detect, prevent, and suppress the financing of terrorism and terrorist acts. On October 22, 2004, the Financial Action Task Force (FATF) adopted the nine (9) Special Recommendations (SP) on terrorist financing which is aimed to detect the physical cross-border transportation of currency and bearer negotiable instruments related to terrorist financing and money laundering and for countries to confiscate such funds;

WHEREAS, Special Recommendation Nr. I on terrorist financing require the ratification and full implementation of the 1999 United Nations (UN) Convention for the Suppression of the Financing of Terrorism and related United Nations (UN) Resolutions;

WHEREAS, the need to separately criminalize terrorist financing is one of the specific requirements set by the Financial Action Task Force (FATF), particularly under Special Recommendation Nr. II on terrorist financing which provides that “Each country should criminalize the financing of terrorism, terrorist acts, and terrorist organization. Countries should ensure that such offences are designated as money laundering predicate offences”;

WHEREAS, one of the findings noted by the Joint Assessment Team from the World Bank and Asia Pacific Group on Money Laundering was that Terrorist Financing is not Criminalized in the Philippines as a Stand-Alone Offense. It is recommended by the Assessment Team that the Philippines address said finding and provide for a separate offence as defined in Article Nr. 2 (1) of the United Nations (UN) Convention for the suppression of the financing of terrorism by criminalizing the provision or collection of funds for terrorist acts including the financing of an individual terrorist or terrorist organization;

WHEREAS, on July 24, 2009, the Anti-Money Laundering Council (AMLC) Secretariat met with the representatives of the Anti-Terrorism Council Coordinating Centre (ATCCC), Counter Terrorism Unit (CTU), and Department of Justice (DOJ) to discuss ways to comply with the aforementioned United Nations (UN) Convention and Financial Action Task Force (FATF) Special Recommendations. During the said meeting, it was agreed upon that the AMLC Secretariat would prepare a draft bill specifically Criminalizing Terrorist Financing as a Stand-Alone Offense. The draft bill was transmitted to the ATCCC, CTU, and DOJ in separate letters dated August 4, 2009, for their inputs and comments;

WHEREAS, on December 8, 2009, Lower House Speaker Prospero Nograles and Congressman Jaime Lopez filed House Bill Nr. 7044, entitled "An Act Criminalizing the Financing of Terrorism" which was based on the draft bill prepared by the AMLC Secretariat in coordination with the ATCCC, CTU, and DOJ;

WHEREAS, said Bill was not enacted during the 14th Congress;

WHEREAS, during the 66th NALECC Sub-Committee on Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) meeting held on May 31, 2010, at the Insurance Commission, Manila, the Sub-Committee on AML/CFT expressed its support for the Criminalization of the Financing of Terrorism as a Stand-Alone Offense to enable the Philippines to fully implement the 1999 United Nations (UN) Convention for the suppression of the financing of terrorism and to be fully compliant with Special Recommendations Nr. I and II on terrorist financing of the FATF;

WHEREAS, the Sub-Committee on Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) has requested the National Law Enforcement Coordinating Committee (NALECC) to issue a Resolution declaring full support for the passage of a law Criminalizing the Financing of Terrorism as a Stand-Alone Offense and to strongly lobby for its immediate legislation; and

NOW THEREFORE, for and in consideration of the foregoing premises, be it resolved, as it is hereby resolved, that the National Law Enforcement Coordinating Committee (NALECC) express its full support for the passage of a law Criminalizing the Financing of Terrorism as a Stand-Alone Offense and to strongly lobby for its immediate legislation.

APPROVED UNANIMOUSLY by this body on 21st day of July 2010, during the 138th NALECC Regular Meeting held at the PNP Main Conference Room, 3rd Floor National Headquarters Building, Camp Rafael T Crame, Quezon City.

JESUS A VERZOSA, CEO VI
Police Director General
Chief, Philippine National Police and
Chairman, NALECC

Attested by:

ATTY JOSEFINO G CATALUÑA, CEO VI
Police Chief Superintendent
The Acting Director for Operations and
Head, NALECC Secretariat